

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

7th & ALLEN EQUITIES : CIVIL ACTION

v.

HARTFORD CASUALTY : NO. 5:11-cv-
INSURANCE COMPANY : 01567-JKG

February 28, 2012

Oral deposition of
CHRISTOPHER R. ELLIS, held in the offices
of GIBBONS, P.C., 1700 Two Logan Square,
18th & Arch Streets, Philadelphia,
Pennsylvania 19103, commencing at
10:04 a.m., on the above date, before
Pamela J. Gober Bracic, a Federally
Approved Registered Professional Reporter
and Notary Public.

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1 A. They had to stay a specific
2 distance, but I don't know what the
3 specific distance is.

4 Q. When you got to the third
5 floor on the afternoon of the date of the
6 incident -- March 4, 2009 -- was
7 Mr. Fillman with you?

8 A. Yes.

9 Q. And he pointed out to you
10 where he saw the leak coming from?

11 A. He pointed out a sprinkler
12 head.

13 Q. Was that same sprinkler head
14 still the one that had leaked? Was it
15 still in the ceiling when he pointed it
16 out to you?

17 A. At that time there was a new
18 sprinkler head that was on.

19 Q. Do you know who put the new
20 sprinkler head on?

21 A. No.

22 Q. Did you see the other
23 sprinkler head anywhere?

24 A. No.

1 Q. Do you know where the old
2 sprinkler head was at that time?

3 A. No.

4 Q. At any time after that date,
5 did you see the old sprinkler head?

6 A. After the March 4th date?

7 Q. Yes.

8 A. I recall seeing it one other
9 time and that's it. It was myself and
10 Jerry and another person. I don't know
11 who it was.

12 I remember looking at it,
13 and that's it. That's all I remember.

14 Q. How long after the March 4th
15 incident did you see it?

16 A. I would say at least a day
17 or two.

18 Q. Why did you see it at that
19 point? Do you know?

20 A. Jerry just showed it to me.

21 Q. What did he say when he
22 showed it to you?

23 A. I don't know what he would
24 of said.

1 Q. Do you know where it had
2 been kept between March 4th and the time
3 you saw it?

4 A. No, I don't.

5 Q. And you said there was
6 another person there. Is that correct?

7 A. Yes.

8 Q. Do you know why there was
9 another person there?

10 A. No.

11 Q. Did he identify himself to
12 you?

13 A. I don't know if he did or
14 not.

15 Q. Did you talk to this other
16 person about what you had seen on the
17 date of the incident?

18 A. I don't remember.

19 Q. Was there any discussion
20 between this other person and Mr. Fillman
21 while you were present?

22 A. I don't recall.

23 Q. How long did this -- I'm
24 going to call it a "meeting" -- among the

1 three of you take?

2 A. I don't know. I was there
3 very briefly, and then I went away. So I
4 don't know how long.

5 Q. And where did this meeting
6 take place?

7 A. It was in the office, in the
8 manager's office.

9 Q. At the Rite Aid store?

10 A. Yes.

11 Q. Had the old sprinkler head
12 been left in that office?

13 A. I don't know what happened
14 to it.

15 Q. Where was Mr. Fillman's
16 office?

17 A. He didn't have an office
18 there.

19 Q. Did he have an office
20 anywhere?

21 A. South 4th Street, another
22 store.

23 Q. In Allentown?

24 A. Yes.

1 Q. Do you know if he kept the
2 sprinkler head at the South 4th Street
3 office?

4 A. I don't know if he did or
5 not.

6 Q. Do you know if he brought it
7 to the Allen Street store that day that
8 you had this meeting with the other
9 individual?

10 A. I don't recall.

11 Q. Did the other individual
12 take the sprinkler head at the meeting?

13 A. I don't recall.

14 Q. Have you ever heard of an
15 individual by the name of Skip Cane?

16 A. No.

17 Q. Did the individual who met
18 with you when you saw the old sprinkler
19 head identify himself as having been from
20 any company, whether an insurance
21 company, a repair company, an
22 investigator of some sort or any other
23 entity?

24 A. I don't recall.